



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,604	09/26/2005	Daniela Bourges-Waldeg	CH920010067US1	7958
877 7590 09/18/2009 IBM CORPORATION, T.J. WATSON RESEARCH CENTER P.O. BOX 218 YORKTOWN HEIGHTS, NY 10598				
EXAMINER				
SEYE, ABDOU K				
ART UNIT		PAPER NUMBER		
2194				
NOTIFICATION DATE		DELIVERY MODE		
09/18/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

iplawyor@us.ibm.com

# Office Action Summary

**Application No.**

10/525,604

**Applicant(s)**

BOURGESS-WALDEGG ET AL.

**Examiner**

Abdou Karim Seye

**Art Unit**

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claim 1 is pending in this application.

**Claim objection**

2. The following terms lack antecedent basis:

(i) "the copy" (see Claim 1, line 7).

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

4. Claims 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following claims language is unclear and indefinite:

(i) As per claim 1, line 13, it recites " said second electronic device ", and it recites in line 1 " a first electronic device..... comprising ". It is uncertain what applicant intended to claim by " a first electronic device comprising, said second electronic device ". It's not known in the art that a first device comprising a second device . Appropriate clarifications are required .

**Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103 (a) as unpatentable over Multer et al (US 6671757) in view of Saulpaugh et al (US 7243356), and further in view of Vaha-Sipila (US 20010054092).

7. As to claim 1, Multer teaches the invention substantially as claimed including a first electronic device (806, Figure. 8; wherein the "desktop PC" is the first device) for executing an application (816, Figure 8; wherein "windows" include the executing application), comprising;

application data (826, Figure 8; "application data") upon execution of the application, wherein said application data represents a state of said application ( col. 6, lines 60-63, col. 12, lines 12-14 and lines 64-67; "state data/application")

a hardware central processing unit (Figure 7; wherein the "home PC" is well known in the art to include a hardware central processing unit) for processing said application data according to a locally generated method call (FIG. 8, wherein the client couple with the application data and the web database XML data are well known in the art to include locally generated method call) wherein said method call is generated in response to an input action (806, FIG. 8; wherein home PC couple with the keyboard and the window to include the input action) and wherein said method call is an application-readable instruction causing a change to the application data (abstract; col. 6; lines 6-15; col. 9, lines 10-15) and causing the change to be made to the copy of the application data (col. 12; lines 9-15),

an interface (930, FIG. 9A; wherein the "user interface" is the interface) for transmitting messages to a second electronic device (col. 12, lines 37-46 and lines 47-58; wherein the "data package" include the messages; 804, Figure 8; wherein the PDA is the second device),

a synchronization entity (abstract; "first sync engine" )

said second electronic device comprising

a copy of said application data (col. 12, lines 9-15; "application data copy"),

a second interface for receiving messages from said first electronic device (FIG. 8; col. 10, lines 19-22; wherein the each "device engine" that is couple with "user interface, 930" in FIG. 9A include the second interface) .

a second synchronization entity (abstract; "second synch engine"), and

a second central control unit (804, Figure 8; wherein the "PDA" is known in the art to include a second control unit) ,

a register for storing descriptions of method calls that could not be transmitted to said second electronic device (920, FIG. 9A; wherein the "application object store is the register),

a log storing said description (FIG. 9A; col. 37, lines 35-37 wherein the "change log data packet" include the log),

a rollback entity for reading said log and for verifying said application data (col. 34, lines 30-34; "rollback").

8. Multer failed to teach generating a description of said method call said description being in a higher level language than the method call and passing said description to said interface, receiving said description from said interface and deriving a method call from said description being executable on said second electronic device, processing said copy of application data according to said derived method call generated in response to an input action, a session clipboard for shared use.

9. Saulpaugh teaches generating a description of method call ( FIG. 13-14; col. 108, lines 10-20), the description being in a higher level language than the method call (170, FIG. 14; col. 29, lines 28-67; wherein the XML description language being the higher level language) , and passing said description to an interface (FIG. 14; wherein

the XML is passed to an interface), receiving said description and deriving a method call from said description (FIG. 14; col. 29, lines 28-46).

10. Vaha-Sipila teaches a shared clipboard/ session clipboard for shared use of data (paragraph 31).

11. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Multer, Saulpaugh and Vaha-Sipila to have generating a description of said method call said description being in a higher level language than the method call and passing said description to said interface, receiving said description from said interface and deriving a method call from said description being executable on said second electronic device, processing said copy of application data according to said derived method call generated in response to an input action and to having a session clipboard for shared use, because it would improve the efficiency of Multer's system by providing a more efficient form of method invocation in systems with small memory and therefore to increase performance of the all devices .

### ***Response to Arguments***

12. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdou Karim Seye whose telephone number is 571-270-1062. The examiner can normally be reached on Monday - Friday 8:30 - 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sough Hyung can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hyung S. Sough/  
Supervisory Patent Examiner, Art Unit 2194  
09/14/09

/Abdou Karim Seye/  
Examiner, Art Unit 2194